

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
ROBERT L. GARBER, on behalf of :
himself and all others similarly situated, :
: Plaintiff, :
: vs. : **Civil Action no. 1:07-cv-11422-UA**
: :
WASHINGTON MUTUAL, INC., *et al.*, :
: Defendants. :
-----x

JOEL ABRAMS, *et al.*, on behalf of :
themselves and all others similarly situated, :
: Plaintiffs, :
: vs. :
: WASHINGTON MUTUAL, INC., *et al.*, : **Civil Action No. 1:07-cv-09806-AKH**
: Defendants. :
-----x

:
: DENNIS KOESTERER, on behalf of :
himself and all others similarly situated, :
: Plaintiff, :
: vs. :
: WASHINGTON MUTUAL, INC., *et al.*, : **Civil Action No. 1:07-cv-09801-CM**
: Defendants. :
-----x

NOTICE OF MOTION

TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to § 21D(a)(3)(B) of the Securities Exchange Act of 1934, upon the accompanying (1) Declaration of Peter D. St. Phillip, Jr. and the exhibits thereto, (2) Declaration of Keith M. Snow; and (3) the Memorandum of Law in Support of the New York City Funds' Motion For Consolidation, For Appointment as Lead Plaintiff, and Approval of Lead Plaintiff's Selection of Lead Counsel in the captioned actions, the NYC Police and Fire Pension Funds will move before the judge to which this action is assigned on such date as the Court may direct, for an Order in the form submitted herewith appointing the New York City Funds as Lead Plaintiff and approving its choice of counsel, Lowey Dannenberg Cohen,

P.C., as Lead Counsel for the plaintiffs and the putative class.

Date: January 4, 2008

LOWEY DANNENBERG COHEN, P.C.

By: /s/ Peter D. St. Phillip, Jr.
Stephen Lowey (SL-7677)
Richard W. Cohen (RC-5220)
David C. Harrison (DH-3834)
Peter D. St. Phillip, Jr. (PS-0726)
Thomas Skelton (TS-7908)

White Plains Plaza
One North Broadway
Fifth Floor
White Plains, NY 10601
Telephone: (914) 997-0500
Telecopier: (914) 997-0035
E-Mail: pstphillip@lowey.com

*Counsel for the NYC Police and Fire Pension
Funds and [Proposed] Lead Counsel for Plaintiff
Class*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
ROBERT L. GARBER, on behalf of :
himself and all others similarly situated, :
: Plaintiff, :
: vs. : **Civil Action No. 1:07-cv-11422-UA**
: :
WASHINGTON MUTUAL, INC., *et al.*, :
: Defendants. :
-----x

JOEL ABRAMS, *et al.*, on behalf of :
themselves and all others similarly situated, :
: Plaintiffs, :
: vs. :
: WASHINGTON MUTUAL, INC., *et al.*, : **Civil Action No. 1:07-cv-09806-AKH**
: Defendants. :
-----x

:
: DENNIS KOESTERER, on behalf of :
himself and all others similarly situated, :
: Plaintiff, :
: vs. :
: WASHINGTON MUTUAL, INC., *et al.*, : **Civil Action No. 1:07-cv-09801-CM**
: Defendants. :
-----x

[PROPOSED] ORDER

After having considered the Motion of certain New York City Pension Funds (the “NYC Police and Fire Pension Funds”), the Memorandum of Law in Support of the NYC Police and Fire Pension Funds’ Motion for Consolidation, For Appointment As Lead Plaintiff and Approval of Lead Counsel, the accompanying Declarations of Peter D. St. Phillip, Jr. and Keith M. Snow, and the proceedings had herein,

IT IS HEREBY ORDERED that:

1. The actions captioned *Garber v. Washington Mutual, Inc.*, Civil Action No. 1:07-cv-11422-UA and *Abrams v. Washington Mutual, Inc.*, Civil Action No. 1:07-cv-09806-AKH shall be transferred and are consolidated with the action captioned *Koesterer v. Washington Mutual, Inc.*, Civil Action No. 1:07-cv-09801.
2. The Court determines that the NYC Police and Fire Pension Funds constitute the “most adequate plaintiff” pursuant to § 21D(a)(3)(B) of the Securities Exchange Act of 1934 (“Exchange Act”) and appoints the NYC Police and Fire Pension Funds as Lead Plaintiff in this action.
3. Lead Plaintiff, pursuant to § 21D(a)(3)(B) of the Exchange Act, has selected and retained Lowey Dannenberg Cohen, P.C., as counsel to represent the Class, and the Court approves said counsel as lead counsel.

IT IS SO ORDERED.

DATED: _____

United States District Judge